

ADDITIONAL FEE:

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R E M A R K S

The Office Action issued December 24, 2003 has been received and its contents have been carefully considered.

This application has been carefully reviewed and amended, where necessary, to overcome certain obvious informalities and to place it in idiomatic English. As the Examiner will note, upon reviewing the amendments to the specification and claims, the amendments were directed to matters of form, rather than substance of the text.

Independent claims 19 and 23 have been further amended to delete the recitation that "parts of the film structure are...gas permeable". This feature has been recited in a new claim 31, dependent from claim 19, and in a new claim 32, dependent from claim 23.

Independent claims 19 and 23 now define a food tray, and method of manufacturing a food tray, having multiple compartments, containing different foods, which are closed off by a "film structure". According to the invention,

parts of the film structure are provided with a material which "reacts with gases in the respective compartments."

A large number of specific examples of such "material" which reacts with gases is given in the specification. For example, it is known that some types of food are preferably stored in an oxygen-low environment. Substances are known which react with the oxygen in the compartment and reduce the oxygen level therein. Specific ones of such substances are listed on page 5 of the specification.

Furthermore, a material can be used that is activated by radiation. For example, as a result of radiation applied to selected compartments, the material in those compartments reacts to oxygen and thus reduces the oxygen level therein.

None of the references, cited either by applicant or by the Examiner, teach or suggest the provision of a food tray having various compartments with different types of food in different compartments, wherein the compartments are closed off by a film structure having a material at selected parts of the film structure which react with gases in the respective compartments.

All of the references cited and applied by the Examiner concern a food tray with multiple compartments wherein the

covers of one or more compartments are provided with perforations. While such gas permeable covers are useful for some foods, they are not capable of maintaining a low oxygen or high oxygen environment for foods that require them.

The U.S. Patent No. 3,188,215 to Snow discloses a frozen food package having a film layer 11 which is "selectively perforated" (column 3, lines 22 and 23). This patent fails to teach or suggest the provision of a material which reacts with gases in one or more of the compartments.

Similarly, the U.S. Patent No. 3,672,916 to Virnig discloses a food tray having large perforations 17 and 18 over various ones of the compartments. These "windowed apertures" appear over those foods which require browning. Virnig also fails to suggest the provision of a material which can either increase or decrease the oxygen level in one or more of the compartments.

The U.S. Patent No. 4,390,555 to Levinson discloses a microwave oven cooking method using a food tray (Fig. 3) having a semi-rigid plastic cover 20 with perforations. Again, there is no suggestion of providing an oxygen poor or oxygen rich environment for the food.

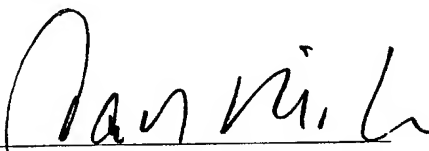
Finally, the U.S. Patent No. 4,228,945 to Wysocki discloses a carton especially adapted for heating food in a microwave oven. The carton has an adhesively attached film layer for sealing a perforated portion of the food package prior to heating that is removed during heating to release moisture from the package. Again, Wysocki fails to disclose or suggest the provision of a material "which reacts with gases in the respective compartments" to effect the environment of the food.

As previously presented, applicant's independent claims 19 and 23 did recite that "parts of the film structure are...gas permeable". The patents to Snow, Virnig, Levinson and Wysocki all relate to that feature which has now been deleted from these claims. The remaining feature -- namely, that "parts of the film structure are provided with a material...which reacts with gases in the respective compartments..." -- is nowhere to be found in these references.

In conclusion, it is believed that independent claims 19 and 23 distinguish patentably over the references of record. This application is therefore believed to be in

condition for immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.

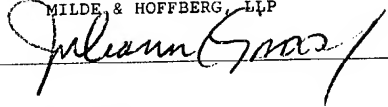
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MILDE & HOFFBERG, LLP
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